

REMARKS

Claims 1-18 are allowed. Claim 20 stands rejected under 35 USC § 101 as claiming the same invention as that of claim 17 of U.S. Patent No. 6,804,961. Claim 19 stands rejected under obviousness-type double patenting as being unpatentable over claim 16 of U.S. Patent No. 6,804,961. Claim 21 stands rejected under obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,804,961. Claims 19-21 remain at issue.

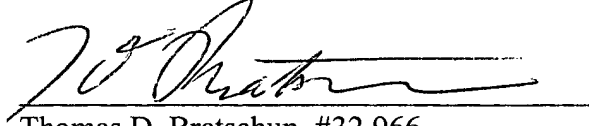
Claim 20 has been amended to recite in the body of the claim varying the reach of the one-piece lever; and maintaining a select dead band as the reach of the one-piece lever is varied. Claim 20, as amended, is clearly of a slightly different scope than claim 1 of U.S. Patent No. 6,804,961, because claim 20 recites a one-piece lever while claim 1 of the '961 patent has no limitation regarding whether the lever is of one or multiple pieces. Accordingly, the claims are no longer coextensive in scope.

Submitted herewith is a terminal disclaimer in compliance with 37 CFR 1.321(c) of the present application disclaiming any term beyond that of commonly owned U.S. Patent No. 6,804,961. Applicant respectfully submits this terminal disclaimer puts each of claims 19-21, which are not coextensive in scope with claims 16, 17 and 1 of the '961 patent, in condition for allowance.

Applicant respectfully submits the claims as amended are allowable over the art of record and reconsideration and issuance of a notice of allowance are respectfully requested. If it would be helpful to obtain favorable consideration of this case, the Examiner is encouraged to call and discuss this case with the undersigned.

This constitutes a request for any needed extension of time and an authorization to charge all fees therefore to deposit account No. 19-5117 if not otherwise specifically requested. The undersigned hereby authorizes the charge of any required fees not included or any deficiency of fees submitted herewith to be charged to deposit account No. 19-5117.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "T. Bratschun", is written over a horizontal line.

Thomas D. Bratschun, #32,966
Swanson & Bratschun, L.L.C.
1745 Shea Center Drive, Suite 330
Highlands Ranch, Colorado 80129
(303) 268-0066

cc: Milan Milosevic
Lisa Wunderlich
Wayne Lumpkin

S:\ClientFolders\Avid\18\18-2\C\Office Action Response 02.doc